

Jason A. Imes Esq., NV Bar No. 7030
 FOX, IMES & CROSBY, LLC
 601 S. 10th Street, Suite 202
 Las Vegas, Nevada 89101
 Telephone: (702) 382-1007
 Facsimile: (702) 382-1921
 E-Mail: JImes@FICLegal.com
Attorneys for Troy S. Fox, Chapter 7 Trustee

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

EDWAN S. THURMOND,

Plaintiff,

vs.

WELLS FARGO BANK, N.A.,

Defendant.

Case No. 2:24-cv-00252-APG-DJA

**STIPULATION TO SUBSTITUTE
 TROY S. FOX, CHAPTER 7 TRUSTEE FOR
 BANKRUPTCY ESTATE OF EDWAN S.
 THURMOND, AS REAL PARTY IN
 INTEREST TO PURSUE CLAIMS OF
 EDWAN S. THURMOND,
 AND ORDER**

Hearing Date: N/A

Hearing Time: N/A

TROY S. FOX, in his capacity as Chapter 7 Trustee for the bankruptcy estate of EDWAN SHANDO THURMOND, by and through his undersigned counsel, and defendant WELLS FARGO BANK, N.A. ("Wells Fargo"), by and through its undersigned counsel, (collectively the "Parties"), hereby submit this joint stipulated motion to substitute TROY S. FOX, CHAPTER 7 TRUSTEE FOR EDWAN SHANDO THURMOND, as the real party in interest to pursue the claims of Edwan Shando Thurmond in this proceeding.

1. Plaintiff Edwan Shando Thurmond (the "Debtor") commenced this action by filing his initial Complaint [ECF No. 1]¹ on February 6, 2024.

¹ All references to "ECF No." are to the numbers assigned to the documents filed in the case as they appear on the docket maintained by the clerk of the court.

2. Defendant Wells Fargo filed its Motion to Dismiss [ECF No. 25] on March 21, 2024, which was granted by this Court on September 30, 2025, but the Debtor was given leave to file a new amended complaint [ECF No. 68].

3. The Debtor filed a second amended complaint on October 18, 2024 [ECF No. 73], and defendant Wells Fargo filed a corresponding Motion to Dismiss on November 1, 2024 [ECF No. 75]. The Debtor, in turn, filed a Motion to Strike [ECF No. 79].

4. On February 20, 2025, the hearings on Wells Fargo's second Motion to Dismiss, the Debtor's Motion to Strike, were set for March 4, 2025 [ECF No. 85], pursuant to a request for expedited consideration that was filed by the Debtor on February 11, 2025.

5. On February 27, 2025, the Debtor filed a Notice of Bankruptcy Filing [ECF No. 87], indicating the Debtor filed for Chapter 7 relief in the United State Bankruptcy Court, District of Nevada, Case No. 25-10063-abl (the "Thurmond Bankruptcy Case") on February 5, 2025 (prior to the Debtor requesting expedited consideration on the motions pending before this Court).

6. On February 5, 2025, Chapter 7 Trustee Troy S. Fox (the "Chapter 7 Trustee") was appointed as the Chapter 7 Trustee for the Thurmond Bankruptcy Case.

7. Upon the filing of the Thurmond Bankruptcy Case, the claims asserted in this case became property of the bankruptcy estate.

8. Upon the filing of the Thurmond Bankruptcy Case and appointment of the Chapter 7 Trustee, the Debtor's standing to pursue claims of the bankruptcy estate transferred exclusively to the Chapter 7 Trustee.

9. By order entered May 6, 2025, the Bankruptcy Court approved a settlement of the claims asserted in this case between the Chapter 7 Trustee as the real party in interest and Wells Fargo, which settlement includes the dismissal of this action with prejudice.

10. Given the foregoing, it is appropriate to substitute the Chapter 7 Trustee as the plaintiff and real party in interest pursuant to Fed.R.Civ.P. 25(c).

THEREFORE, the Parties hereby stipulate and agree the Chapter 7 Trustee shall be substituted as the plaintiff and the real party in interest to dismiss with prejudice the claims of Edwan Shando Thurman in this proceeding.

Dated this 28th of May, 2025,

Dated this 28th of May, 2025

/s/ Jason A. Imes

Jason A. Imes, Esq. (NV Bar No. 7030)
FOX, IMES & CROSBY LLC
601 S. 10th St., Suite 202
Las Vegas, Nevada 89101

*Attorneys for Troy S. Fox, Chapter 7 Trustee
for bankruptcy estate of Edwan S. Thurmond*

/s/ Michael Ayers

QUINTAIROS, PRIETO, WOOD & BOYER, P.A.
Michael Ayers, Esq. (NV Bar No.10851)
michael.ayers@qpwbllaw.com
3740 Lakeside Drive, Ste. 202
Reno, Nevada 89509
Telephone: 775-322-4697
Facsimile: 775-322-4698

SEVERSON & WERSON

Mark I. Wraight, Esq. (Cal. Bar No. 228303)
Pro Hac Vice / miw@severson.com
Benjamin Howard, Esq. (Cal. Bar No. 320682)
Pro Hac Vice / bjh@severson.com
595 Market Street, Suite 2600
San Francisco, California 94105
Telephone: (415) 398-3344
Facsimile: (415) 956-0439

Attorneys for Defendant

WELLS FARGO BANK, N.A.

ORDER

Pursuant to the Stipulation of the Parties, and for good cause shown,

IT IS HEREBY ORDERED that the Stipulation is approved; and

IT IS FURTHER ORDERED that Troy S. Fox, as Chapter 7 Trustee for the bankruptcy estate of Edwan Shando Thurmond, is hereby substituted as plaintiff in this action and the real party in interest to pursue the claims of Edwan Shando Thurmond in this proceeding.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

Dated: June 25, 2025